

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 1:19-cv-10649

FAYE NEEDHAM,

Plaintiff,

v.

CITY OF BOSTON,

Defendant.

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441, 1446, and Local Rule 81.1 of the District of Massachusetts, Defendant City of Boston (“City”) hereby petitions for the removal of the action entitled Faye Needham v. City of Boston, Docket No. 1984CV00766, from the Suffolk County Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, where it is currently pending.

As reasons for this petition, the City states as follows:

1. This action, brought pursuant to 42 U.S.C. § 1983, alleges inter alia, that the City of Boston, through its employees, violated Plaintiff’s civil rights under the United States Constitution. Specifically, Plaintiff Faye Needham (“Plaintiff”) alleges that the Defendant violated her rights under the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution. See Compl., No. 1984CV00766-D, at ¶¶ 23-34, 39-43 (Mass. Super. Ct.) (attached hereto as Exhibit 1).
2. The U.S. District Court has “original jurisdiction” over Plaintiff’s claims because they “aris[e] under the Constitution, laws, or treaties of the United States.” 28 U.S.C.

§ 1331. Moreover, the U.S. District Court has “original jurisdiction” over any civil action alleging deprivation of a constitutional right under color of state law. 28 U.S.C. §§ 1343(a)(3)-(4).

3. The U.S. District Court has “supplemental jurisdiction” over all Plaintiff’s other claims because they arise from the same set of facts and “form part of the same case or controversy[.]” 28 U.S.C. § 1337(a).
4. Plaintiff’s federal claims predominate. Indeed, the thrust of Plaintiff’s Complaint is an allegation of excessive force in violation of the Fourth Amendment. Exhibit 1, at ¶¶ 18-19, 23-30.
5. Because the U.S. District Court has original jurisdiction over Plaintiff’s claims, this action is subject to removal under 28 U.S.C. §§ 1441(a) and (c).
6. Venue is proper in the Eastern Division of the U.S. District Court for the District of Massachusetts. Local Rule 40.1(c)(1) & (d); 28 U.S.C. § 1441(a) (stating that such cases may be removed “to the district court of the United States for the district and division embracing the place where such action is pending”).
7. This Notice of Removal is being filed pursuant to 28 U.S.C. § 1446 within thirty days after the City of Boston was served with Plaintiff’s Complaint. The City of Boston was served with Plaintiff’s Complaint on March 29, 2019. Exhibit 1, at Summons.
8. The City is the only Defendant in this matter.
9. The City’s Civil Action Cover Sheet is attached hereto as Exhibit 2.
10. The City’s Category Sheet is attached hereto as Exhibit 3.

Dated: April 5, 2019

Respectfully submitted,

**DEFENDANT CITY OF BOSTON,**

Eugene O'Flaherty  
Corporation Counsel

By his assistant,

/s/ Matthew M. McGarry

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**CERTIFICATE OF SERVICE**

I, Matthew M. McGarry, hereby certify that on this date I served a copy of the foregoing document via first class mail to counsel for the Plaintiff:

Danilo A. Avalon, Esq.  
Avalon Law Offices, P.C.  
612 Columbia Road  
Boston, MA 02125

Date: April 5, 2019

/s/ Matthew M. McGarry  
Matthew M. McGarry